

REMARKS

The Office Action dated January 25, 2005 has been carefully considered. Claims 23, 37, 51, 61 and 69 have been amended, and claim 66 has been canceled. For the reasons discussed in more detail below, it is believed that this application is now in condition for allowance. Accordingly, favorable reconsideration of this application in light of the following remarks is respectfully requested.

Claims 51 and 61 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Applicants have amended claims 51 and 61 to more clearly describe the scope of the claimed invention, not to narrow the scope of the claims for reasons of patentability. As acknowledged by the Office Action, persons skilled in the art understand that the specification describes different types of imaging engines and imaging engines may have different types of lasers to image the printing plates. Neither the specification nor the patent claims exclude a device that contains multiple lasers or a laser that images thermal and photosensitive plates.

Claims 23, 37, and 69 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Claims 23, 37 and 69 have been amended to clarify the scope of the claimed invention, not to narrow the claims for reasons of patentability.

Claims 53-60 and 65-67 are rejected under 35 U.S.C. §103 (a) as being unpatentable over a Platesetter 3244 service manual in view of Azzaroni. Applicants respectfully submit that the Office Action has not established that the Platesetter service manual is prior art. The Platesetter service manual expressly states that "The contents of this manual are owned by Creo Products Inc. Unauthorized copying or distribution of this manual or its contents is prohibited" and "No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form by any means, electronic, mechanical, photocopying, recording or otherwise, without express written permission of Creo Products Inc." The reference itself suggests that it was not publicly available or sufficiently disseminated to the public before the priority date and, thus, may not be used as prior art. See MPEP 2128.01 ("Documents and items only distributed internally within an organization which are intended to remain confidential are not "printed publications" no matter how many copies are distributed.").

Even assuming that the Platesetter service manual is prior art, however, neither the Platesetter service manual nor Azzaroni, either singly or in combination with each other or other prior art, teach or suggest the claimed invention. Both references teach away from the claimed invention. The Office Action recognizes that the Platesetter service manual does not teach or suggest the claimed invention including, among other features, a stationary picker with vertically movable tables. It also does not teach or suggest, among other features, a plurality of plate stacks or a plurality of plate support tables that supports each plate stack, as recited in the claimed invention. In contrast to the claimed invention which recites plate stacks, for example, the Platesetter service manual describes essentially vertical plates stored on their side on the floor. Since printing plates are relatively heavy, they may be damaged when they are transported and stored on their sides as taught by the Platesetter service manual.

Azzaroni is directed to radiographic film technology, not computer to plate technology, and, thus, does not teach or suggest, among other features, a computer to plate platesetter, a digital file of an image, an imaging engine, an imaging drum, or a laser, as recited in the claimed invention.

Furthermore, neither the Platesetter service manual nor Azzaroni teach or suggest an imaging engine having a command generator in communication with a plate handler or an elevator that positions a desired plate stack in response to a signal from the command generator, as recited in the claimed invention. The Platesetter service manual has stationary plates and does not require an elevator to position plates or plate support tables in response to a signal from a command generator, as recited in the claimed invention. Azzaroni also teaches away from an automatic computer to plate platesetter because it does not require an imaging engine or a signal from a command generator in communication with a plate handler to automatically signal the elevator to position plate stacks or plate support tables.

Finally, there is no suggestion or motivation to combine the Platesetter service manual and Azzaroni. A person of ordinary skill in the art would not combine the CTP platesetter technology described in the Platesetter service manual and the radiographic film technology described in Azzaroni. Azzaroni, which is directed to stacks of radiographic films, teaches away from CTP platesetter technology using essentially vertical stationary printing plates. Even assuming that it is proper to combine such disparate technology, the resulting combination would not result in the claimed invention. At best, the resulting combination

might have an elevator that moves vertical stored plates, but neither reference teaches or suggests how the Azzaroni plate picker could access a single plate from the vertically stored plates. Finally, neither reference teaches or suggests, among other features, an imaging engine with a command generator or elevator that positions a desired plate stack in response to a signal from the command generator, as recited in the claimed invention. Applicants respectfully suggest that only an improper use of hindsight and the claimed invention would cause one to select and then combine the two disparate references.

Applicants thank the Examiner for indicating that claims 14-22, 23 and 25-27, 33-36 and 38-50, 52 62-64, 68 have allowable subject matter if terminal disclaimers are filed. Applicants are filing herewith a Terminal Disclaimer without conceding that any claims are not patentably distinct from the claims in U.S. Patent Nos. 6,726,433 or 5,738,014, or any other patent.

Information Disclosure Statement

In the Information Disclosure Statement dated October 20, 2004, applicants described the status of the *Agfa v. Creo* litigation. Since that IDS was filed, Agfa appealed the decision of the United States District Court for the District of Massachusetts and briefs by the plaintiff and defendants have been filed in the United States Court of Appeals for the Federal Circuit. Applicants will provide the Examiner with any additional information concerning the appeal, including copies of the briefs, upon request.

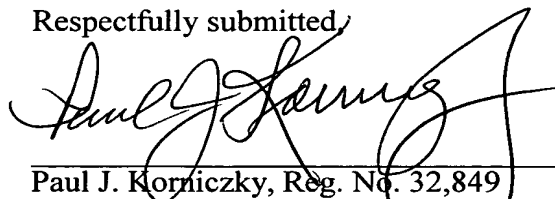
Applicants also note that the Examiner did not place his initials next to references C12, C13 and C49 in the IDS filed on October 22, 2004. A copy of the Form 1449 containing the Examiner's initials is enclosed. Applicants request that the Examiner place his initials next to references C12, C13 and C49 to confirm that these references were considered. Applicants also note that these three references are prior art of record in the parent patent, U.S. Patent 6,726,433.

On September 22, 2004, Applicants electronically filed five Information Disclosure Statements identifying certain U.S. patents. Enclosed are copies of the Acknowledgements of Electronic Filing. Applicants request that the Examiner sign the Acknowledgements to confirm that the cited references were considered and are made of record. Applicants also note that these references are prior art of record in the parent patent, U.S. Patent 6,726,433.

CONCLUSION

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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